MINUTE ITEM
This Calendar Item No. C32
was approved as Minute Item
No. 32 by the State Lands
Commission by a vote of 3
to Ø at its 12/17/92
meeting.

CALENDAR ITEM

C32

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12-17-92

W 24956 PRC 7668
J. Smith

MAINTENANCE DREDGING PERMIT

APPLICANT:

Port of San Francisco
Ferry Building
San Francisco, California 94111

AREA, TYPE LAND AND LOCATION:

Granted mineral reservation lands in San Francisco Bay, at the Port of San Francisco, San Francisco County.

LAND USE:

Dredge a maximum 30,000 cubic yards of sediment from Pier 35 East at the Port of San Francisco, to maintain navigable depth. The Applicant has proposed disposal of the dredged material at the United States Army Corps of Engineers approved Alcatraz Disposal Site (SF-11).

TERMS OF PERMIT:

Permit period:

December 17, 1992 to June 1, 1993

Royalty:

No charge for aquatic disposal; $0.25 per cubic yard for any material sold or used for commercial purposes.

In-bay Disposal Fee:

$0.25 per cubic yard for any dredged material disposed of at any site in San Francisco Bay, including, but not limited to, Alcatraz, to offset costs of studies necessary to develop non-bay disposal sites for future use.

(REVISED 12/14/92)

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing and processing fees have been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:
N/A

OTHER PERTINENT INFORMATION:

1. Water quality testing performed pursuant to the United States Army Corps of Engineers and California Regional Water Quality Control Board permitting requirements found the materials to be suitable for disposal at the Alcatraz Disposal Site.

2. Questions have been raised about continuing to dispose of dredged material in San Francisco Bay. However, the current lack of an EPA/Corps-approved offshore disposal site severely limits the options available for disposal.

   Through participation in the Federal/State Joint Long-Term Management Strategy being conducted to identify and evaluate site options for the disposal of material dredged from San Francisco Bay, the State Lands Commission has emphasized the need to focus on the selection of ocean disposal or non-aquatic site(s). This need has also been expressed by the San Francisco Bay Conservation and Development Commission (SFBCDC).

   Identification and evaluation of alternate disposal sites will require numerous studies which have been estimated to cost several million dollars. As ongoing in-bay disposal contributed to the eventual obsolescence of in-bay sites and exacerbates the need to develop other alternatives, a fee will be charged as a condition to the proposed permit to be deposited in a fund to offset the cost of needed studies.

Given the necessity of the proposed dredging in order to maintain navigability and the time constraints imposed in the interest of protecting the fishery resources, staff recommends authorization of the proposed dredging and disposal.

3. The SFBCDC, a "functional equivalent agency" under Section 21080.5 of the CEQA has:

   a. served as the lead agency under CEQA;

   b. considered the project described herein; and

   c. found that the project, as proposed, will not have a significant effect on the environment.

   Under Section 15252 of the CEQA Guidelines, the State Lands Commission may use the environmental analysis made by the SFBCDC in its consideration of this project.

   Authority: Sections 21083 and 21087 of the CEQA.

4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

SFBCDC, Regional Water Quality Control Board, and United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBIT:

A. Vicinity and Site Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE SFBCDC, A FUNCTIONAL EQUIVALENT AGENCY UNDER SECTION 21080.5 OF THE CEQA, HAS CONSIDERED THE PROPOSED PROJECT AND DETERMINED THAT THE PROJECT, AS PROPOSED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS PREPARED BY THE SFBCDC AND CONCURS WITH THE CONCLUSIONS AND FINDINGS CONTAINED THEREIN, 14 CAL CODE REGS., SECTION 15253.

3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

4. AUTHORIZE ISSUANCE TO THE PORT OF SAN FRANCISCO OF A MAINTENANCE DREDGING PERMIT BEGINNING DECEMBER 17, 1992 TO JUNE 1, 1993. SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM VOLUME OF 30,000 CUBIC YARDS FROM PIER 35 EAST AT THE PORT OF SAN FRANCISCO, SAN FRANCISCO COUNTY. THE DREDGED MATERIAL WILL BE DISPOSED OF AT THE ALCATRAZ DISPOSAL SITE. NO ROYALTY SHALL BE CHARGED FOR MATERIAL DISPOSED OF AT THE APPROVED DISPOSAL SITE. A FEE OF $0.25 SHALL BE CHARGED FOR EACH CUBIC YARD OF DREDGED MATERIAL PLACED AT AN IN-BAY DISPOSAL SITE, TO BE PLACED IN A SEPARATE FUND TO OFFSET COSTS OF STUDIES NECESSARY TO IDENTIFY AND ANALYZE ALTERNATIVE DISPOSAL SITES. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES.

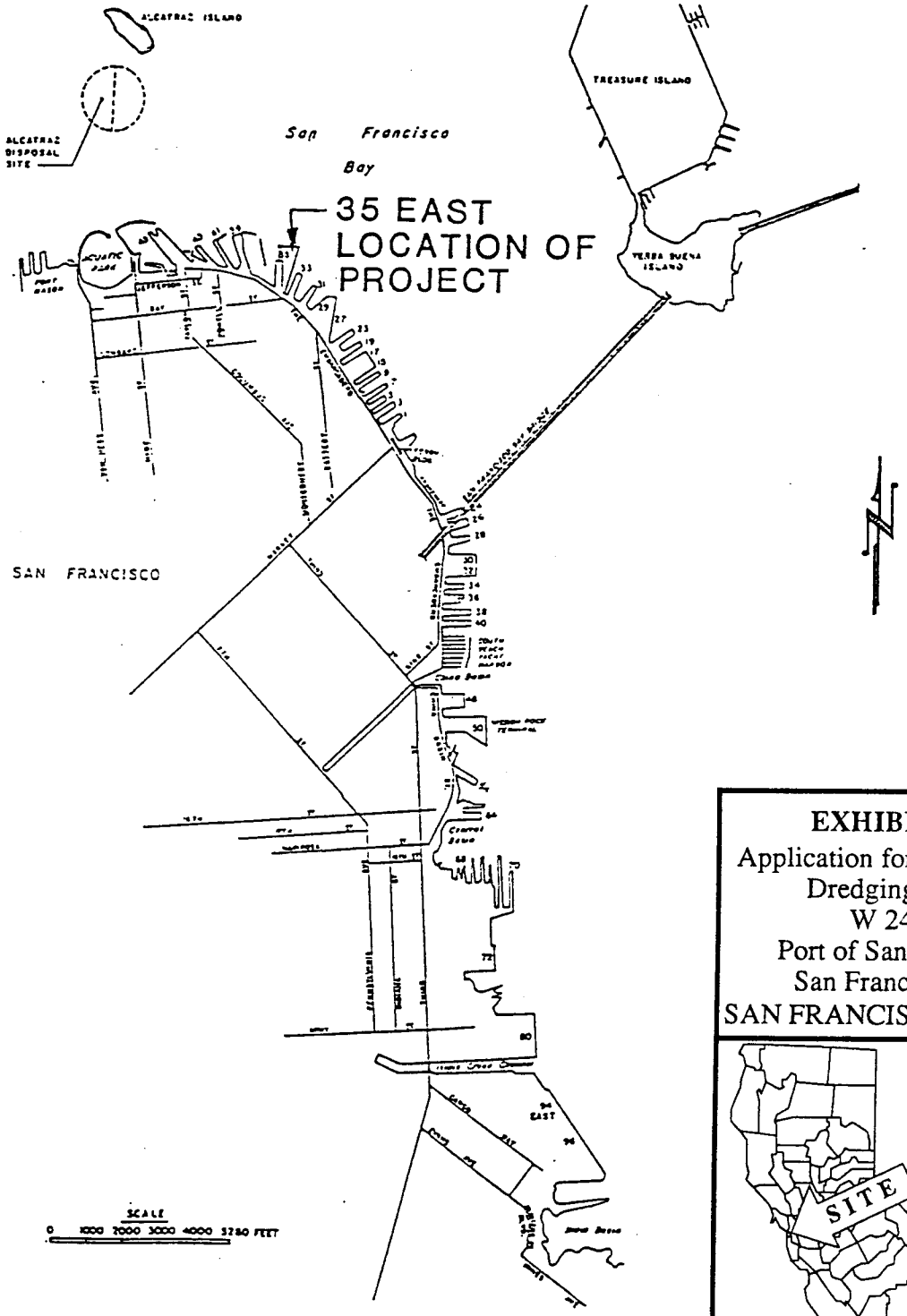

EXHIBIT "A"
Application for Maintenance Dredging Permit
W 24956
Port of San Francisco
San Francisco Bay
SAN FRANCISCO COUNTY

LWB 11/92

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